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FM AMEMBASSY PARIS
TO RUEHC/SECSTATE WASHDC PRIORITY 5006
RUCPDOG/USDOC WASHINGTON DC
INFO RUCPDC/NOAA NMFS SILVER SPRING MD
RUEHBS/USEU BRUSSELS 2451
RUEHCP/AMEMBASSY COPENHAGEN 1633

UNCLAS PARIS 002223

SENSITIVE
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USDOC FOR SECRETARY GUTIERREZ
USDOC FOR 4212 for ITA/MAC
USDOC FOR 3150 ITA/CS/OIO
NMFS FOR DR. LENT AND LAURA CIMO
OES/OMC FOR DEIDRE WARNER-KRAMER
USDA FOR FAS/OCRA

E.O. 12958: N/A

TAGS: [EFIS](#) [ETRD](#) [SENV](#) [ICCAT](#) [EU](#) [FR](#)

SUBJECT: French Agriculture Minister's Letter to Commerce Secretary Gutierrez on Information Request For High Seas Driftnet Fishing Moratorium Protection Act

REF: State 00100509

1. (SBU) French Agriculture and Fisheries (MAP) Minister Barnier sent a letter to US Commerce Secretary Gutierrez responding to the Embassy's demarches requesting information for the January 2009 Magnuson-Stevens Act report now being prepared by the Commerce Department's National Marine Fisheries Service (NMFS) and by the OES Bureau. Following up October 28 meeting between MAP officials and the Embassy's Counselor for Environment, Science, Technology and Health (ESTH), Minister Barnier offered to provide any additional information needed by NMFS and OES. At the October 25 meeting, MAP officials told ESTH Counselor that, to enforce the EU Commission's 2007 decision banning use of all nets for blue fin tuna fishing, the French deployed their Navy and that French fishing vessels caught using nets had been punished. Previously, the French position had been that thonaille nets for tuna were not driftnets, but the 2007 EU Commission decision banning all nets ended that debate, and subsequently the French enforced the EU decision.

2. (SBU) Unofficial Embassy translation of text of letter sent by French Agriculture Minister Michel Barnier to Secretary of Commerce Carlos Gutierrez dated November 21, 2008

Dear Secretary Gutierrez

The U.S. Embassy in Paris informally visited the Agriculture Ministry on October 28 to enquire about steps taken by French authorities concerning the management of blue fin tuna in the Mediterranean Sea.

I would like to point out that this issue comes under the purview of (European Union's) common fisheries policy and therefore it would also be useful to question the European Commission. Consequently, I will also keep the European Commissioner in charge of Fisheries informed of the answer provided here.

I understand that your questions are based on information supplied by the International Commission for the Conservation of Atlantic tunas (ICCAT) and on the report released in October 2006 by the non-governmental organization OCEANA, "Thonaille: the use of driftnets by the French fleet in the Mediterranean."

I also understand that these questions are raised in the context of the preparation of the first biennial report to the U.S. Congress, in accordance with the U.S. Magnuson-Stevens Act on Fishery Conservation and Management as amended on January 12, 2007. This legislation requires the identification of states whose fishing

boats have been involved in IUU fishing or by-catch of protected marine resources.

I hope that the attached information will help you understand French fisheries management in the Mediterranean. The members of my cabinet, the Head of the Maritime Fisheries and Fish Farming Division, and myself remain at your disposal for any further information you may need.

Very sincerely

handwritten greetings by Minister Barnier

handwritten signature "Michel Barnier"

13. As mentioned in the letter, MAP has provided by email four additional documents all in French on its fishing practices, which have been forwarded to NMFS and OES in Washington. The four additional documents include a ten page memo entitled "Management of Blue Fin Tuna Fishing in France"; the law of January 9, 1852 as most recently amended on January 5, 2006 concerning the regulation of the French fishing industry; EU Commission Regulation (CE) number 2740/1999 dated December 21, 1999 on implementing regulations regarding behavior that gravely violates (EU) community fishing policies; and EU Council regulation 1006/2008 dated September 29, 2008 concerning authorization for EU fishing vessels outside of EU waters and access of third country vessels to EU waters.

STAPLETON